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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/395,078	09/13/1999	EDUARDO TEODORO SANCHEZ	32944-00016U	5400

7590

04/19/2004

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EXAMINER

NGUYEN, PHUONGCHAU BA

ART UNIT	PAPER NUMBER
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2665

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DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/395,078

Applicant(s)

SANCHEZ, EDUARDO TEODORO

Examiner

Phuongchau Ba Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-10-04 response.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections – 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5, 6, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gundersen (EP 0781058).

Regarding claim 5:

Gundersen disclose a system supporting message transport and segmentation in a communications network having a plurality of nodes, comprising:

a first node (40, fig.1) having a memory (41) including a database (feature table set 53) for storing a plurality of segmentation support capability test results, wherein the first node is adapted to send a segmented message and a segmentation support test message, and to receive a segmentation

support response message {page 3, lines 18-25; page 4, lines 23-24, 47-49};
and

a second node (60, 20, fig.1) in electronic communication with the first node, wherein the second node is adapted to receive the segmented message and the segmentation support test message, and to send the segmentation support response message {page 4, lines 47-49}.

Regarding claim 6:

Gundersen further discloses wherein the first node and second nodes are each selected from the group consisting of a service switching point, a signal transfer point, or a service control point {page 4, line 46}.

Regarding claim 8:

Gundersen further discloses wherein the segmentation support test and response messages are Transaction Capability Application Part (TCAP) messages {page 4, lines 22-24}.

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 9–11, 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kite (5,737,517) in view Gundersen (EP 0781058).

Regarding claim 1:

Kite (5,737,517) discloses a node 200 (fig.5) supporting message transport and segmentation in a communications network having a plurality of nodes, comprising:

a memory including a database (log file 230) for storing a plurality of segmentation support capability test results,

wherein the memory further includes a program module (simulator module 220) adapted to send a first segmented message , a first segmentation support test message, and a first segmentation support response message

{col.7, lines 47–49}, and to receive a second segmented message, a second segmentation support test message, and a second segmentation support response message {col.8, lines 21–28, 31–35}.

Kite does not explicitly disclose a memory, however, in the same field of endeavor, Gundersen (EP 0781058) discloses in figure 1 wherein a node 40 comprising a memory 41 having plurality of features programs (program modules), which having a plurality of feature table sets (database) {page 4, lines 44–45}. Therefore, it would have been obvious to an artisan to apply Gundersen's teaching to Kite's teaching with the motivation being to provide a user-friendly and user-comprehensive script language in a test tool for formulating the transmitted TCAP messages.

Regarding claim 9:

Kite discloses a method supporting message transport and segmentation in a communications network having a plurality of nodes, comprising the steps of:

sending a first segmentation support test message (TCAP message) from a first node (70) to a second node (30), the first and second nodes selected from the plurality of nodes, the first node (70) comprising a database (log file 230) for storing a plurality of segmentation support capability test results {col.8, lines 17-18};

sending a first segmentation support response message from the second node to the first node in response to receiving the first segmentation support test message {col. 8, lines 19-25};

generating a first segmentation support capability test result indicating that the second node is capable of receiving segmented messages {col.8, lines 19-25}; and

sending a segmented message from the first node to the second node {col.8, lines 19-25}.

Kite does not explicitly disclose the first node (70) comprising a memory. However, in the same field of endeavor, Gundersen discloses in figure 1 a switch (40, the first node) comprising a memory (41) including a database (feature table set 53). Therefore, it would have been obvious to an artisan to

apply Gundersen's teaching to Kite's teaching with the motivation being to provide a user-friendly and user-comprehensive script language in a test tool for formulating the transmitted TCAP messages.

Regarding claim 10:

Kite further discloses recording the first segmentation support capability test result in the database {col.8, lines 17-18}.

Regarding claim 11:

Kite further discloses searching the database to determine whether the second node is capable of receiving segmented messages {col.8, lines 25-35}.

Regarding claims 2, 14:

Kite further discloses wherein the node is selected from the group consisting of a service switching point, a signal transfer point, or a service control point {fig.1, Kite}.

Regarding claims 4, 16:

Kite further discloses wherein the segmentation support test and response messages are Transaction Capability Application Part (TCAP) messages {col.7, lines 45–47, Kite}.

5. Claims 3, 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kite and/or Gundersen as applied to claims 1 and 5, and further in view of Longfield (5,898,667).

Gundersen and Kite do not explicitly disclose the claimed invention wherein the second segmented message is a Signaling Connection Control Part (SCCP) message including a Segment Number Field coded with a value indicating the number of segmented messages remaining to be received by the node. However, in the same field of endeavor, Longfield (5,898,667) discloses in figures 4–5 managing a subsystem database within a SCP using SCCP {col.7, lines 57–59}. Therefore, it would have been obvious to an artisan to apply Longfield's teaching into Kite and/or Gundersen's system with the motivation being to manage the status of the database in SCP.

6. Claims 12–13, 17–19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kite and Gundersen in view of Jabbari (Routing and Congestion Control in Common Channel Signaling System, IEEE 1992).

Regarding claim 12:

Kite does not explicitly disclose the claimed invention. However, in the same field of endeavor, Jabbari discloses a method including the steps of:

 sending a second segmentation support test message from the first node to a third node, the third node selected from the plurality of nodes {fig.4};

 failing to receive a second segmentation support response message sent from the third node to the first node in response to the second segmentation support test message {page 611, Left Col., lines 7–9};

 generating a second segmentation support capability test result indicating that the third node is not capable of receiving segmented messages {page 612, Right Col., line 1–page 613, Left Col., line 16; figs. 5–6}; and

 sending a non-segmented message from the first node to the third node {page 612, Left Col., lines 18–21}.

Therefore, it would have been obvious to an artisan to apply Jabbari's teaching to Kite's system with the motivation being to avoid interruption in transmitting real-time data between nodes in case of congestion, unavailable link/node or failure in the network.

Regarding claim 13:

Kite further discloses recording the first segmentation support capability test result in the database {col.8, lines 17-18}.

Regarding claim 17:

Kite does not explicitly disclose claimed invention. However, in the same field of endeavor, Jabbari further discloses wherein the first node includes a segmentation capability return result message reception timer, including the steps of:

sending a second segmentation support test message from the first node to a third node, the third node selected from the plurality of nodes {page 613, left col., lines 20-24};

starting the segmentation capability return result message reception timer counting down to a zero value over a preselected amount of time {page 613, left col., lines 20-25};

failing to receive a second segmentation support response message sent from the third node to the first node in response to the second segmentation support test message before the segmentation capability return result message reception timer reaches the zero value {page 613, left col., lines 2};

generating a second support capability test result indicating that the second node is not capable of receiving segmented messages {page 613, left col., lines 20-24}; and

sending a non-segmented message from the first node to the third node {page 613, left col., lines 25-27}.

Therefore, it would have been obvious to an artisan to apply Jabbari's teaching to Kite's system with the motivation being to avoid interruption in transmitting real-time data between nodes in case of congestion, unavailable link/node or failure in the network.

Regarding claim 18:

Kite further discloses recording in the second support capability test result in the database {log files 230, col.8, lines 17-18}.

Regarding claim 19:

Kite further discloses searching the database to determine whether the second node is capable of receiving segmented messages {col.8, lines 25-35}.

Response to Arguments

7. Applicant's arguments filed 2-10-04 have been fully considered but they are not persuasive.

A/. Applicant argued that Gundersen does not disclose a memory including a database.

In reply, Gundersen discloses in figure 1 a memory 41 including a feature table set 53 (database). There are no different between the claimed database and the feature table set in Gundersen because there is not found how the

database was defined, the database in general would be a table with data entry or feature set.

B/. Gundersen does not disclose to store "segmentation support capability test results" or a system having a memory for storing a plurality of segmentation support capability test results.

In reply, applicant admitted that error message (segmentation support capability test results){abstract, lines 13-14, page 3, lines 18-25} resulting from a detection of a false execution of a software module is stored in a log file (memory) in Gundersen {remarks, page 7, second paragraph; abstract, lines 13-14; page 3, lines 18-25}. Applicant is directed to figure 1 wherein a system (electronic switch, fig.1) having a memory (41) for storing a plurality of segmentation support capability test results (in feature table sets 53-55, fig.1; tables 2-3, appendix B)

C/. Applicant argued that Gundersen is not an enabling reference because it does not provide enough detail about the missing elements (in claim 5) to enable one skilled in the art to practice the claimed invention.

In reply, Gundersen is a valid U.S. patent, therefore, it is an enabling reference and it does teach all the limitations as claimed in claim 5.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 703-305-0093. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

DUCHO
PRIMARY EXAMINER

[Signature]
4-15-04

[Signature]
Phuongchau Ba Nguyen
Examiner
Art Unit 2665